REMARKS CONCERNING THE AMENDMENTS

The above amendments to the original claims have been made in an effort to more clearly define the present invention and to attempt to respond to issues raised by the Examiner in the Office Action.

There were two main objectives: 1) cleaning up claim informalities (e.g., misplaced periods and extraneous phrases, improper reference to more than one claim, etc.; and 2) attempting to limit terms in the claims to which objection was made, without conceding the appropriateness of the objection or rejection.

Antecedent basis for new claims 19-21 may be found in the original specification and, for example, in original claims 1-18.

SUMMARY OF THE REJECTION AND RESPONSE TO THE REJECTION

Claims 1-18 Have Been Rejected Under 35 USC 112, first Paragraph

The rejection is believed to be fundamentally in error, as explained below, but in an effort to advance the application, the above amendments have been made to attempt to comport the claims with the objections raised by the Examiner.

The rejection is in error because, at a minimum, it fails to establish sound reasoning based upon fact or theory as to why the claims are not enabled. The rejection asserts lack of enablement without providing the legally required basis for challenging that enablement. Note the long and established lines of cases placing the burden upon the US Patent and Trademark Office (or any challenger to a patent) for advancing acceptable reasoning for lack of enablement. In re Strahilevitz, 1982 C.C.P.A., 212 USPQ 561; and In re Sichert, 1977 C.C.P.A., 196 USPQ 209. It is to be noted that these and their progenitor cases repeatedly have found that mere general assertions of lack of enablement, with sound scientific theory are insufficient as a matter of law.

It is to be further noted that the structures of the present molecules claimed in the invention, differ from the prior art in the fusion of the F ring recited in all claims. All other substitutions are common in the art, although not in combination with the specific F ring claimed. The art is therefore fully apprised and enabled with regard to the placement of all groups on the recited molecules, except for the fused F ring, and applicant has fully enabled that addition to the art. There is no basis for asserting that the use of the appropriate reagents to form the other substituent groups (as known in the art) would be altered in any substantive way. The rejection is therefore in error in fact and in law.

The rejection is clearly in error and must be withdrawn.

CONCLUSION

Applicants assume the application is now in proper order and in condition for allowance.

Please direct any inquiries to the undersigned attorney at (952) 832-9090.

Respectfully submitted, FEB 20 2004

XUZHI QIN

By his Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.
York Business Center, Suite 205
3209 West 76th Street
Edina, Minnesota 55435
(952) 832-9090

Date: February 3, 2004

By: _____
Mark A. Litman Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Letter is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP: amendment, P.O. BOX 1450, Commissioner for Patents, Alexandria, VS 22313-1450 on February 3, 2004.

Mark A. Litman _____